

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: July 8, 2014

SUBJECT: BZA Application #18796 – Request for area variances pursuant to §§ 403, 404, 405 and 406 at 1801 4th Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) is supportive of the proposal in concept to construct a new flat at 1801 4th Street NW, and **recommends approval** of the project including the following relief:

- § 403.2, area variance relief to exceed maximum lot occupancy (70.12% proposed, 60% max.);
- § 404.1, area variance relief for a non-conforming rear yard (4.8' proposed, 20' min.);
- § 405.6, area variance relief for a non-conforming side yard (3' proposed, 10' min.); and
- § 406.3, area variance relief for a non-conforming court niche (3' wide, 4' 3.5" deep)

OP also notes that, for a proposed flat in an R-4 zone, the Property may be non-conforming to lot area, and lot width. If the Board determines that that relief is needed from § 401.3, and that the application otherwise satisfies other areas of relief requested, OP would not object to the minimum lot area relief as well.

II. AREA AND SITE DESCRIPTION

Address:	1801 4 th Street NW
Legal Description:	Square 3095, Lot 27 (hereinafter, the "Property")
Ward/ANC:	1/1B
Lot Characteristics:	The lot is nearly rectangular in shape and measures 1,363 square feet in land area. It has 21' in width of frontage along 4 th Street to the west, and abuts a 16' wide public alley to the east.
Zoning:	R-4: row dwellings (single-family and flats)
Existing Development:	The Property is currently vacant. It was developed at some point in the past with a row house.
Historic District:	LeDroit Park Historic District
Adjacent Properties:	The Property is adjacent to a row dwelling to the north and an apartment building (recently converted from a funeral home) to the south. To the west, across 4 th Street, are row dwellings and to the east, across a public alley, is an institutional building.
Surrounding Neighborhood Character:	The surrounding neighborhood has a mix of residential building types with some scattered commercial and institutional uses. The Property is approximately 5 blocks east of the Shaw-Howard Metro Station.



III. PROJECT DESCRIPTION IN BRIEF

Applicant:	1801 4 th Street, NW, LLC (the “Applicant”)
Proposal:	The Applicant proposes to construct a new three story flat. The building would have a basement unit of 844 square feet and a two-story unit above totaling 1,688 square feet. The dwelling’s height would measure 35'. A 10' front set back is required by the Historic Preservation Review Board (HPRB) to allow the building to align with its northern neighbors. OP notes that the front stairs appear to project slightly into public space and may require public space approval. The Applicant also indicates that the front curb cut would be closed in association with the project. The Property would have one rear parking space accessible from the public alley.
Relief Sought:	§ 403.2, area variance relief to exceed maximum lot occupancy § 404.1, area variance relief for a non-conforming rear yard § 405.6, area variance relief for a non-conforming side yard § 406.3, area variance relief for a non-conforming court niche

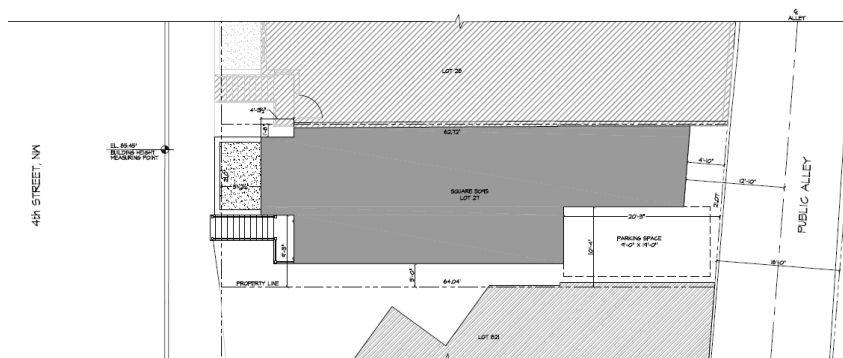
IV. IMAGES AND MAPS



Aerial view of the site



View of the of the subject Property (Google Streetview)



ARCHITECTURAL SITE PLAN
SCALE: 3/8"=1'-0"



PROPOSED

V. ZONING REQUIREMENTS

In R-4 zones, flats are permitted subject to applicable zoning constraints. Row dwellings and *flats* are required to have a minimum of 18' width and 1,800 square feet of land area. Since this is proposed as a flat, the minimum standards apply. The following table, which reflects information supplied by the Applicant, summarizes certain zoning requirements for the project and the relief requested.

R-4 Zoning	Restriction	Existing	Proposed	Relief
Lot area (sq. ft.) § 401.3	1,800 sf min.	1,363 sf	1,363sf	Relief needed; no change proposed
Lot width (ft.) § 401.3	18' min.	20'	20'	Conforms
Lot occupancy § 403	60% max.	-	70.12%	Relief needed; (Side yard and court included in calculation)
Rear yard (ft.) § 404	20' min.	-	4'10"	Relief needed
Side yard (ft.) § 405	3" per ft. of building height (10' min.)	-	3'	Relief needed
Court niche (ft.) § 406	Ratio of width to depth not less than 2/1	-	1' 8" wide, 4' 3.5" deep	Relief needed
Building Height	40 ft. max.	-	35.4 ft.	Conforms

Area Variance Relief (§§, 404, & 405, 406)

- ***Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions, and does the extraordinary or exceptional situation impose a practical difficulty, which is unnecessarily burdensome to the applicant?***

Lot Occupancy, Rear Yard, Court Niche, Side Yard

The subject property is the only vacant lot on the block fronting 4th Street and it is substandard in size at 1,363 square feet in land area. There is an established alignment of dwellings along the block that necessitates a front setback. At the request of the Historic Preservation Board, (as presented to the record by the applicant) the façade of the new building must be aligned with the existing buildings along the street. The building therefore would encroach further than desired into the required rear yard, reducing it by 10 feet, in part. Thus, the buildable footprint of the structure, if the rear yard minimum were to be satisfied would result in a building footprint approximately 34 feet deep.

The current minimum building code requirements for the stairwell and bedroom size (70 sf, 7 foot wide) would make it impractical to meet the minimum lot occupancy, side and rear yard requirements. The resulting nonconforming court niche is also due to the projecting bay at the front, whereby it would not satisfy HP's objectives of replicating the earlier structure on the site, if it were to be reduced by at least 1 foot or shifted further south by one foot to meet the minimum court niche requirement. The side yard separation provided would also be consistent with the flats to the north. Thus as proposed, the bay would conform to a "*pattern of symmetry, consistent within the rowhouse group,...*"¹ which extends to the north to T Street. The exceptional conditions presented in combination with the lot's size present a confluence of factors impacting the development within the minimum standards of the Regulations.

¹ HPRB Staff report, September 26, 2012, Page 2

- ***Can the relief be granted without substantial detriment to the public good?***

The relief could be granted without substantial detriment to the public good. The structure would be consistent in design with dwellings to the north. A side yard, which is not required in the R-4 zone, would provide separation from the apartment building to the south, which has north facing windows, and its width is consistent with the pattern of separation of the dwellings to the north. The applicant does provide a required parking space at the rear for a substantial portion of the rear yard, at the required rear yard depth, as shown in the revised site plan submitted to the record on 6/30/2014.

- ***Can the relief be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?***

As presently proposed, granting relief would not impair the intent, purpose and integrity of the Zoning Regulations and Map. The Applicant presented a conforming design to the Historic District and the use and intensity of development is consistent with the R-4 zone. Light and air to abutting residents would not be affected, and no adverse impact to on-street parking would be anticipated by redevelopment of this gap in the street pattern of the square.

VI. ANC/COMMUNITY COMMENTS

The proposal was presented to the Design Committee of ANC 1B, which recommended approval of the application to the full ANC. The ANC will meet at its regularly scheduled meeting on July 1, 2014. The ANC's report will be submitted to the record under separate cover.

No other community comments were received by OP and none was noted within the record as at July 1, 2014.